

condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$6,500, in conformity with section 10 of the act, conditioned in part that it be made into cocoa butter and that proof of the proper disposition of the product be submitted to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11758. Adulteration and misbranding of corn sirup apple jelly. U. S. v. 278 30-Pound Pails and 267 50-Pound Pails of Corn Sirup Apple Jelly. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17489, 17490, 17491, 17492, 17493, 17494, 17495. I. S. No. 8372-v. S. No. W-1377.)

On May 3, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May 11, 1923, an amended libel, praying the seizure and condemnation of 278 30-pound pails and 267 50-pound pails of corn sirup apple jelly, remaining in the original unbroken packages, in part at Seattle and in part at Tacoma, Wash., alleging that the article had been shipped by the Corn Products Refining Co., from Kansas City, Mo., February 13, 1923, and transported from the State of Missouri into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Pail) "Sanitary Lined Pail Rex Reg. U. S. Pat. Off. Corn Syrup Apple Jelly Made With Approximately 75% Corn Syrup And 25% Juice From Apple Parings. Contains Added Phosphoric Acid And Certified Color. * * * Manufactured By Corn Products Refining Co. General Offices New York, U. S. A."

Adulteration of the article was alleged in the libel for the reason that pectin had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that artificially colored and acidified corn sirup pectin jelly had been substituted wholly or in part for corn sirup apple jelly containing added phosphoric acid and color.

Misbranding was alleged for the reason that the statement appearing on the pails containing the article, "Corn Syrup Apple Jelly," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 12, 1923, the Corn Products Refining Co., claimant, having admitted the allegations of the libel and confessed judgment, a decree of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it be relabeled under the supervision of this department

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11759. Adulteration and misbranding of butter. U. S. v. 80 Cases and 53 Boxes of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17576, 17595. I. S. Nos. 8014-v, 8015-v. S. Nos. W-1390, W-1391.)

On June 26 and 30, 1923, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 80 cases and 53 boxes of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Fergus County Creamery, Inc., Lewistown, Mont., alleging that the article had been shipped from Lewistown, Mont., on or about June 4, 1923, and transported from the State of Montana into the State of California, and charging adulteration and misbranding with respect to a portion thereof and adulteration with respect to the remainder, in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "From Fergus County Creamery." The remainder of the said article was labeled in part: "From Lewistown Creamery Co., Lewistown, Montana."

Adulteration of the article was alleged in substance in the libels for the reason that excessive water had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a product deficient in milk fat and high in moisture had been mixed and packed with and substituted wholly or in part for

the said article, and for the further reason that a valuable constituent, butterfat, had been abstracted from the article.

Misbranding was alleged with respect to a portion of the product for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1923, Swift & Co. having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,610, in conformity with section 10 of the act, conditioned in part that the product be made to conform with the provisions of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11760. Misbranding of Oxidaze tablets. U. S. v. American Oxidaze Co., a Corporation. Case ordered placed on file. (F. & D. No. 7707. I. S. No. 1610-1.)

On February 1, 1917, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Oxidaze Co., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 10, 1915, from the State of Massachusetts into the State of Pennsylvania, of a quantity of Oxidaze tablets which were misbranded. The article was labeled in part: (Carton) "\$1.00 Size Oxidaze Tablets Prepared For American Oxidaze Company, Worcester, Mass."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained essentially cinnamon oil, sassafras oil, camphor, menthol, methyl salicylate, potassium iodide, starch, sugar, and talc.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic effects of the said article, included in the circular or pamphlet accompanying the article, falsely and fraudulently represented it to be effective for the cure of catarrh and tuberculosis, effective as a cure and preventive of pneumonia, and effective as a remedy for hay fever, when, in truth and in fact, it was not.

On November 17, 1922, the case having come on for final disposition, it was ordered by the court that the case be placed on file.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11761. Adulteration and misbranding of oil of sweet birch and wintergreen oil. U. S. v. Adolphus A. Winters. Plea of guilty. Fine, \$25. (F. & D. No. 14546. I. S. Nos. 540-r, 541-r.)

On July 2, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolphus A. Winters, Newland, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 30, 1919, from the State of North Carolina into the State of New York, of quantities of oil of sweet birch and wintergreen oil which were adulterated and misbranded. The articles were labeled in part, respectively: "Oil distilled from Birch bark and small bush — D. A. Winters Montezuma, N. C.;" "Oil distilled from Wintergreen leaves. D. A. Winters Montezuma, N. C."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained synthetic methyl salicylate and that they were not true oils of wintergreen or birch, as the case might be.

Adulteration of the articles considered as drugs was alleged in the information for the reason that they were sold under and by names recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia provides that oil of sweet birch, to wit, birch oil, be obtained wholly from *Betula lenta* and that oil of wintergreen be obtained wholly by distillation from *Gaultheria procumbens*, whereas the said articles were mixtures composed